D.B. CIVIL SPECIAL APPEAL NO.433/2002.
(Raj. Non-Govt. Edu. vs. Pro. Fund Commissioner)
Retired Emp. Ass. & Ors.)

Date : 23.02.2005.

HON'BLE MR.JUSTICE N.N.MATHUR
HON'BLE MR.JUSTICE MANAK LALL MOHTA

Mr.B.P. Bohra, for the appellant.
Mr.Rajesh Joshi, for the respondents.

It appears that the learned Single Judge has decided number of writ petitions by a common order dated 16th January, 2001.

In the group of writ petitions before the learned Single, the issue was with respect to the deposit of contributory provident fund with the Regional Provident Fund Commissioner by Non-Government Educational Institutions. The writ petition from which the instant appeal has arisen was wrongly tagged with the group of said writ petitions, inasmuch as the controversy involved in the writ petition is with regard to the benefit of pensionary scheme framed under the Act of 1952 and the Act of 1989 and the Rules made thereunder different from the controversy with respect to deposit of contributory fund.

In view of the aforesaid, the special appeal is

allowed. The order of the learned Single Judge with respect to the appellant Rajasthan Non-Governmental Educational Retired Employees Associations passed in S.B. Civil Writ Petition No.3963/1997 is set aside. The aforesaid writ petition is restored to its original number. This may be placed before the learned Single Judge for decision on merits.

(MANAK LALL MOHTA),J. **(N.N.MATHUR),J**

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